

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BANDSPEED, LLC,

Plaintiff,

v.

CURTIS INTERNATIONAL LTD.

Defendant.

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CASE NO. 1:19-cv-225

AFFIDAVIT OF SERVICE UPON CURTIS INTERNATIONAL LTD.

I, Zachary Carr, process server, am employed by Hamilton-Toronto Area Process Serving Inc., whose business address is 1070 Main St W, Unit F, Hamilton, ON L8S 1B4, Canada, being duly sworn, make my oath and state the following:

1. I am over 21 years of age; and am authorized to serve legal process in Canada;
2. On or about March 16, 2019, I was instructed by my manager, Debbie Alderson, in turn instructed by Legal Language Services, an international litigation support firm located in Leawood, Kansas, in turn instructed by the Petitioner's attorneys with the law firm DiNova Price LLP, to serve upon Defendant Curtis International Ltd. ("Curtis") the following documents:

Hague Service Convention "Notice"
Hague Service Convention "Summary"
Summons in a Civil Action
Complaint

3. According to Petitioner's attorney, Curtis is located at:

315 Attwell Drive
Toronto
Ontario M9W 5C1
CANADA

4. An attempt to serve Curtis was made at the above address on March 18, 2019. The building on the location was vacant.

5. Pulling the corporate registration record allowed me to verify that Curtis is now located at:

7045 Beckett Drive, Unit 15
Mississauga, ON L5S 2A3

6. On March 20, 2019 at 4:05 pm, I traveled to the Beckett Drive address, with the intention of serving the above referenced documents upon Curtis.

7. There I met with Monica Ng, who is the receptionist for Curtis. I handed Ms. Ng the above referenced documents, while I informed her that he was being served on behalf of Curtis with legal process. Ms. Ng accepted the documents.

8. Ng is approximately 35, 150 lbs, 5'7", Asian female with black hair.

9. I believe service to have been effected upon Curtis was effected in accordance with a method prescribed by the internal laws of Ontario, Canada for civil matters within this jurisdiction and thus in accordance with Article 10(b) of the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* and in compliance with the laws of the United States.

I declare under penalty of perjury under the laws of the United States and Canada that the foregoing statements are true and accurate to the best of my knowledge and belief.

March 22, 2019
Date


Zachary Carr, Process Server

SUBSCRIBED and SWORN to me at Hamilton, Ontario, Canada before me on this 22nd day of March 2019.


Signature of Canadian Commissioner of Oaths

[Seal of Canadian Commissioner of Oaths]

**Brooke Marie Bisset Carey, a
Commissioner, etc., Province of Ontario,
for Hamilton-Toronto Area Process
Serving Inc. and for Process Serving only.
Expires December 27, 2019.**

NOTICE

*(recommended by the Fourteenth Session of
Hague Conference of October, 1980)*

identité et adresse du destinataire
identity and address of the addressee

CURTIS INTERNATIONAL LTD.
315 Attwell Drive
Toronto
Ontario M9W 5C1
CANADA

-OR-

wherever the Defendant may be found in Canada

TRÈS IMPORTANT

LE DOCUMENT CI-JOINT EST DE NATURE JURIDIQUE ET PEUT AFFECTER VOS DROITS ET OBLIGATIONS. LES "ÉLÉMENTS ESSENTIELS DE L'ACTE" VOUS DONNENT QUELQUES INFORMATIONS SUR SA NATURE ET SON OBJET. IL EST TOUTEFOIS INDISPENSABLE DE LIRE ATTENTIVEMENT LE TEXTE MÊME DU DOCUMENT. IL PEUT ÊTRE NÉCESSAIRE DE DEMANDER UN AVIS JURIDIQUE.

SI VOS RESSOURCES SONT INSUFFISANTES, RENSEIGNEZ-VOUS SUR LA POSSIBILITÉ D'OBTENIR L'ASSISTANCE JUDICIAIRE ET LA CONSULTATION JURIDIQUE SOIT DANS VOTRE PAYS SOIT DANS LE PAYS D'ORIGINE DU DOCUMENT.

LES DEMANDES DE RENSEIGNEMENTS SUR LES POSSIBILITÉS D'OBTENIR L'ASSISTANCE JUDICIAIRE OU LA CONSULTATION JURIDIQUE DANS LE PAYS D'ORIGINE DU DOCUMENT PEUVENT ÊTRE ADRESSÉES :

Texas RioGrande Legal Aid, Inc.
Austin Office
4920 North I-35
Austin, Texas 78751
U.S.A.
Tel. 1.512.374.2700

IMPORTANT

THE ENCLOSED DOCUMENT IS OF A LEGAL NATURE AND MAY AFFECT YOUR RIGHTS AND OBLIGATIONS. THE "SUMMARY OF THE DOCUMENT TO BE SERVED" WILL GIVE YOU SOME INFORMATION ABOUT ITS NATURE AND PURPOSE. YOU SHOULD, HOWEVER, READ THE DOCUMENT ITSELF CAREFULLY. IT MAY BE NECESSARY TO SEEK LEGAL ADVICE.

IF YOUR FINANCIAL RESOURCES ARE INSUFFICIENT YOU SHOULD SEEK INFORMATION ON THE POSSIBILITY OF OBTAINING LEGAL AID OR ADVICE EITHER IN THE COUNTRY WHERE YOU LIVE OR IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED.

ENQUIRIES ABOUT THE AVAILABILITY OF LEGAL AID OR ADVICE IN THE COUNTRY WHERE THE DOCUMENT WAS ISSUED MAY BE DIRECTED TO:

Texas RioGrande Legal Aid, Inc.
Austin Office
4920 North I-35
Austin, Texas 78751
U.S.A.
Tel. 1.512.374.2700

SUMMARY OF THE DOCUMENT TO BE SERVED
ELEMENTS ESSENTIELS DE L'ACTE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.
Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

(article 5, fourth paragraph)
 (article 5, alinéa 4)

Name and address of the requesting authority: Tom R. McLean, Esq.
 Nom et adresse de l'autorité requérante : LEGAL LANGUAGE SERVICES
 8014 State Line Road, Suite 110, Leawood, Kansas 66208, U.S.A.
 Tel. 1.913.341.3167

Particulars of the parties*:

Identité des parties : BANDSPEED, LLC, Plaintiff
 CURTIS INTERNATIONAL LTD., Defendant

JUDICIAL DOCUMENT**
ACTE JUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : To give notice to the Defendant of the commencement of a civil claim against it,
 and to summon it to Answer or otherwise respond.

Nature and purpose of the proceedings and, where appropriate, the amount in dispute:

Nature et objet de l'instance, le cas échéant, le montant du litige : A civil action has been commenced against the Defendant.

Date and place for entering appearance:**

Date et lieu de la comparution : Within twenty-one (21) days after service of the Summons (not counting the day of receipt), Defendant must serve on the Plaintiff's Attorney (DiNovo Price LLP) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. Defendant also must file its Answer or Motion with the United States District Court, Western District of Texas, Austin Division located at: 501 West Fifth Street, Austin, Texas 78701, U.S.A.

Court which has given judgment:**

Jurisdiction qui a rendu la décision : N/A

Date of judgment:**

Date de la décision : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte: Within twenty-one (21) days after service of the Summons (not counting the day of receipt), Defendant must serve on the Plaintiff's Attorney (DiNovo Price LLP) an Answer to the attached Complaint or a Motion under Rule 12 of the Federal Rules of Civil Procedure. If Defendant fails to respond, Judgment by default will be entered against it for the relief demanded in the Complaint. Defendant also must file its Answer or Motion with the Court.

EXTRAJUDICIAL DOCUMENT**
ACTE EXTRAJUDICIAIRE

Nature and purpose of the document:

Nature et objet de l'acte : N/A

Time limits stated in the document:**

Indication des délais figurant dans l'acte : N/A

* If appropriate, identity and address of the person interested in the transmission of the document.
 S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.

** Delete if inappropriate.
 Rayer les mentions inutilisées.

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:19-cv-225

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: